

# Contra Costa Health Services - Hazardous Materials Programs CUPA Evaluation Status Report

June 9, 2006

1	<p><u>Annual Summary Reports</u></p> <p><b>Deficiency:</b> <i>The CUPA is referring enforcement cases to the District Attorney's Office. However, penalties assessed/collected are not being reported to the state in Annual Summary Report 4.</i></p> <p><b>Status:</b> As of the date of the evaluation, Contra Costa Health Services - Hazardous Materials Programs (CCHMP) has developed an enforcement database. This database will track all enforcement and will be used to assist with the development of the Annual Enforcement Summary Report (Report 4).</p> <p><b>Deficiency:</b> <i>The reported number of businesses that returned to compliance is not accurately reflected in Summary Report 3.</i></p> <p><b>Status:</b> CCHMP identified several causes for the inaccurate data in the Annual Inspection Summary Report (Report 3). These included inadequate inspection follow-up, a lack of documentation, and data management issues - written inspection information was not consistently transferred into CUPA DMS (Data Management System). In February of 2006, CCHMP held Unified Program inspector training. This training included a review of inspection documentation procedures and follow-up inspections. In addition to the training, CCHMP is in the process of implementing an Electronic Inspection Program (EIP). Under the EIP, Unified Program inspectors will perform facility inspections using tablet PCs. Documenting inspections electronically will automatically upload inspection data into CUPA DMS, thereby eliminating existing data entry issues.</p> <p><b>Deficiency:</b> <i>The CUPA's 04/05 self-audit noted that 9 cases were referred to the DA's office for enforcement, and the 03/04 self audit noted 4 HW cases referred to the DA. Neither the 04/05 nor the 03/04 Annual Enforcement Summary Reports reflect this.</i></p> <p><b>Status:</b> As of the date of the evaluation, CCHMP has developed an enforcement database. This database will track all enforcement and will be used to assist with the development of the Annual Enforcement Summary Report (Report 4).</p>
2	<p><b>Deficiency:</b> <i>The CUPA is not consistently ensuring that businesses found to have minor violations return to compliance within 30 days from the date of the notice to comply. In addition, the CUPA is not consistently ensuring that businesses found to have minor violations sign a notice to comply certifying that the violation(s) have been corrected, and to return it to the CUPA.</i></p> <p><b>Status:</b> In February of 2006, CCHMP held Unified Program inspector training.</p>

	<p>This training included a review of the timeframe for correcting minor violations. In addition, the training included a review of CCHMP's <i>Return to Compliance</i> procedures.</p>
3	<p><b>Deficiency:</b> <i>The CUPA is not adequately documenting violations by not including the factual basis of the violation and the corrective actions to be taken.</i></p> <p><b>Status:</b> In March of 2006, CCHMP held AEO/Enforcement training. This training included a review of the proper documentation of violations during a Unified Program inspection.</p>
4	<p><b>Deficiency:</b> <i>The CUPA is not properly classifying violations found during inspections.</i></p> <p><b>Status:</b> In February of 2006, CCHMP held Unified Program inspector training. This training included a review of classifying violations. Additionally, CCHMP discussed the draft <i>Violation Classification Guidance for Unified Program Agencies</i> document at a monthly inspector meeting.</p>
5	<p><b>Deficiency:</b> The CUPA is allowing timeframes for correction of violations, which exceed the maximum timeframes for correction as prescribed by law.</p> <p><b>Status:</b> In February of 2006, CCHMP held Unified Program inspector training. This training included a review of the timeframes for correction of violations.</p>
6	<p><b>Deficiency:</b> <i>The CUPA is not adequately conducting enforcement of hazardous waste violations.</i></p> <p><b>Status:</b> As of the date of the evaluation, CCHMP has completed developing AEO procedures and has successfully brought enforcement actions for hazardous waste and underground storage tank violations.</p>
7	<p><b>Deficiency:</b> <i>The CUPA failed to conduct a complete inspection in accordance with hazardous waste laws and regulations. The CUPA did not ensure that the three PBR files reviewed contained an annually updated closure cost estimate.</i></p> <p><b>Status:</b> As of the date of the evaluation, CCHMP has notified all PBR facilities that they are required to annually submit an updated closure cost estimate. CCHMP is in the process of collecting the outstanding documentation and will take enforcement action against those businesses that fail to comply with the standard.</p>